

or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including all on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title commitment which expressly states that there are no recorded restrictions applicable to the subject property. An abstractor's certificate or a title commitment required by this Section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

(d) No site plan shall be approved and no building permit or certificate of occupancy shall be issued until the requested supporting documentation has been produced. Any site plan approved or permit issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the City of Houston, Texas or any other person or agency.

(Ord. No. 92-53, § 2, 1-22-92)

**Secs. 26-5—26-19. Reserved.**

## ARTICLE II. REQUIREMENTS FOR PARKING SPACES

### Sec. 26-20. In general.

No building permit shall be issued for the construction or alteration of a building in the

categories listed in section 26-21 hereof unless the building includes the construction of or provides for the off-street parking facilities. Such facilities shall be on the same site as the use those facilities are intended to serve except as otherwise provided for in this chapter.

(Ord. No. 89-712, § 2, 5-17-89)

### Sec. 26-21. Parking spaces for certain types of occupancies.

Except for buildings located in a parking management area created under the provisions of section 26-29 of this Code, the construction of a building for any of the following types of occupancies shall provide the requisite number of off-street parking spaces, or the incremental number of off-street parking spaces in the case of an alteration, as shown below for that type of occupancy. The requirements of this article do not apply to the placement of temporary classroom building(s) for public schools where:

- (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
- (2) An analysis of the public school site and the buildings thereon support the conclusion that timely compliance with the statutory student/teacher ratio cannot be achieved without the installation of the temporary classroom building(s).

#### *Type of Occupancy*

##### Class 1. Office:

- a. Office
- b. Financial facility

##### Class 2. Residential:

- a. Apartment house

#### *Parking Spaces*

2.5 spaces for every 1,000 square feet of GFA or 2.75 for every 1,000 square feet of UFA  
4.0 spaces for every 1,000 square feet of GFA (see also section 26-40(1)(d))

1.250 spaces for each efficiency apartment  
1.333 spaces for each one-bedroom apartment  
1.666 spaces for each two-bedroom apartment

*Type of Occupancy**Parking Spaces*

b. Single-family residential dwelling unit	2.0 spaces for each apartment with 3 or more bedrooms
c. Manufactured home	2.0 parking spaces for each dwelling unit
d. Special residential uses	2.0 parking spaces per dwelling unit
e.. Retirement community (with kitchen facilities)	0.3 parking space per sleeping room, plus 1.0 parking space per employee on largest shift
f. Retirement community (without kitchen facilities)	0.75 space per dwelling unit, plus parking spaces for support based upon the provisions of section 26-28 hereof
g. Hotel or motel	1.0 space for every 6 beds plus 1.0 space per employee on largest shift
	1.0 parking space for each sleeping room up to 250 rooms;
	0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms;
	0.50 parking spaces for each sleeping room in excess of 500 rooms
Class 3. Health Care Facilities:	
a. Hospital	2.2 spaces for each bed proposed to be constructed
b. Psychiatric hospital	1.0 space for each 4 beds proposed to be constructed and 1.0 space for every 4 employees
c. Clinic (medical complex)	2.7 spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 space for every 3 beds proposed to be constructed and 1.0 space for every 4 employees
f. Funeral home or mortuary	0.5 spaces for every chapel seat
g. Veterinary clinics	5.0 spaces for every 1,000 square feet of UFA
Class 4. Industrial, Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
2. Semi-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 2,000 square feet of GFA of warehouse space
d. Light manufacturing assembly and research and development	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 space per 1,500 square feet of GFA of assembly space

*Type of Occupancy**Parking Spaces*

e. Transportation terminal	6.5 spaces per 1,000 square feet of GFA of waiting area
f. Truck terminal	1.0 spaces per 2,000 square feet of GFA
g. Mini-warehouse facilities	1.0 spaces for every 40 storage units or bays
Class 5. Religious and Educational:	
a. Church	1.0 space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 space for every 40 square feet of GFA in the main auditorium or sanctuary
b. Nursery school or day care center	1.0 space for every employee on duty during the largest shift, plus 1.0 space for every 5 children in attendance when the facility is operating at maximum capacity or, if drop-off facilities are provided under section 26-40(1)(d) hereof, 1.0 space for every employee on duty during the largest shift and 1.0 space for every 10 children in attendance when the facility is operating at maximum capacity
c. School (Public, denominational or private)	
1. Elementary school	1.5 spaces per thirty-person classroom
2. Junior high school	3.5 spaces per thirty-person classroom
3. Senior high school	9.5 spaces per thirty-person classroom
d. College or university or trade school	1.0 space for every 3 employees plus 1.0 space for every 10 students residing on campus and 1.0 space for every 5 students not residing on campus
e. Library	1.2 space for every 1,000 square feet of GFA
f. Art gallery or museum	3.0 spaces for every 1,000 square feet of GFA of exhibit area or gallery space
Class 6. Recreation and Entertainment:	
a. Golf course	5.0 spaces for every green
b. Movie theater	0.3 spaces for every seat
c. Bowling alley	5.0 spaces per lane
d. Theater, auditorium or arena	1.0 space for every 3 seats
e. Tennis/racquet club	3.0 spaces per court
f. Sports club/health spa	5.0 spaces for every 1,000 square feet of GFA
g. Roller or ice skating rink	5.0 spaces for every 1,000 square feet of GFA
h. Swimming club	9.0 spaces per employee
i. Park (5—10 acres)	1.0 space for the first 2 acres and 1.0 space for each additional acre and additional parking must be provided for each additional facility or land use constructed in the park as herein provided
j. Park (over 10 acres)	5.0 spaces for the first acre; and 1.0 space for each additional 10.0 acres; additional parking must be provided for each additional facility or land use constructed in the park as herein provided
k. Park pavilion	1.0 space for each picnic table
l. Sports complex	1.0 space for every 40 square feet of seating
m. Miniature golf	1.0 space for each hole
n. Driving range (golf)	1.0 space for each tee

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
o. Arcade or game room	1.0 space for every 200 square feet of GFA
p. Billiard hall	2.0 spaces for every billiard table
Class 7. Bar or Restaurant:	
a. Restaurant (including outdoor decks, patio and/or seating areas)	8.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas in excess of 15% of gross floor area
b. Bar, club or lounge (including outdoor decks, patio and/or seating areas)	10.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas
Class 8. Retail Services:	
a. Supermarket or convenience market	5.0 space for every 1,000 square feet of GFA
b. Clothing store	4.0 spaces for every 1,000 square feet of GFA
c. Furniture store	2.0 spaces for every 1,000 square feet of GFA
d. Retail store (freestanding)	4.0 spaces for every 1,000 square feet of GFA
e. Building materials or home improvement store	4.0 spaces for every 1,000 square feet of GFA of retail sales area
f. Barber or beauty shop	3.0 spaces for each operator chair and 1.0 space for each employee
g. Shopping center (strip) (up to 25,000 GFA)	4.0 spaces for every 1,000 square feet of GFA, except the increment of GFA used for a bar, club or lounge shall provide the equivalent of 10 spaces for every 1,000 square feet of GFA <sup>1</sup>
h. Shopping center (neighborhood)(25,001—100,000)	4.0 spaces per 1,000 square feet of GFA, plus increment <sup>2</sup>
i. Shopping center (community) (100,001—399,999)	4.0 spaces per 1,000 square feet of GFA
j. Shopping center (regional) (400,000—1,000,000 GFA)	5.0 spaces for every 1,000 square feet of GFA
k. Shopping center (super regional) (over 1,000,000 GFA)	4.0 spaces for every 1,000 square feet of GFA
l. Discount store	4.0 spaces for every 1,000 square feet of GFA
Class 9. Automobiles:	
a. Auto sales dealer	5.5 spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 space per stall
e. Service station	3.0 spaces for each service stall and 1.0 space for each employee on duty during largest shift
f. Auto parts and supply store	4.0 spaces for every 1,000 square feet of GFA of retail sales area.

<sup>1</sup> If more than 20 percent of the shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, other than a bar, club or lounge, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.

<sup>2</sup> If more than 20 percent of the shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 92-1173, § 2, 9-2-92; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 96-958, § 5, 9-18-96)

### **Sec. 26-22. Unspecified uses.**

(a) The director shall determine the appropriate use category in each case. If there is any uncertainty with respect to the amount of parking space required by the provisions of this chapter as a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

(b) The director shall determine the minimum number of parking spaces required for any use not specified above. The director shall consider the following in establishing parking requirements for an unspecified use:

- (1) Documentation supplied by the applicant regarding actual parking demand for the proposed use;
  - (2) Evidence or data in available planning and technical studies relating to the proposed use;
  - (3) Required parking for the proposed use as determined by other comparable jurisdictions; and
  - (4) Required parking for similar uses.
- (Ord. No. 89-712, § 2, 5-17-89)

### **Sec. 26-23. Fractional requirements.**

If the parking requirements of this chapter result in a fractional requirement, and that fraction is 0.5 or greater, the property owner shall provide parking spaces equal to the next higher whole number.

(Ord. No. 89-712, § 2, 5-17-89)

### **Sec. 26-24. Use of parking space.**

All required parking facilities shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for

the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment. An owner may install the required parking spaces in phases if the schedule has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate the dates on which all parking approved pursuant to this chapter will be provided.

(Ord. No. 89-712, § 2, 5-17-89)

### **Sec. 26-25. Accessible parking.**

Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required under this chapter, accessible parking requirements shall be in addition to the one parking space so required.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 6, 9-18-96; Ord. No. 02-399, § 56, 5-15-02)

### **Sec. 26-26. Parking for compact cars.**

A maximum of 35 percent of the spaces may be designed and reserved for small or compact cars. In addition, no such compact spaces shall be permitted in any building designed to be used for residential purposes or in parking lots of less than 40 parking spaces. Compact parking spaces shall be identified by appropriate directions and marking.

(Ord. No. 89-712, § 2, 5-17-89)

### **Sec. 26-27. Off-site parking.**

(a) Except as otherwise provided herein specifically including but not limited to land included within a PMA created under the provisions of

section 26-29 hereof, no site plan or building permit shall be approved by the department unless at least 75 percent of the parking facilities required by this chapter are located on the site for which the permit is sought. Provided, however, that all or any portion of the parking facilities required by this chapter may be located off the site for which the permit is sought if those parking facilities are located no more than 250 feet from a public entrance and that 250 feet is on a clearly delineated pedestrian path or walkway.

(b) No site plan or building permit shall be approved by the director for any off-site parking facility intended to provide 25 percent or less of the parking requirements imposed by this chapter for that use, unless a principal public entrance for such parking facility is located 500 feet or less from a principal public entrance to the proposed or existing building; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure. All distances shall be measured along sidewalks and other passageways which are intended to be and remain open to the public at all times. In the event that more than one parking facility or building is to be constructed or provided under the requirements of this chapter, the director, based on recommendations from the traffic engineer, shall determine compliance with this section on the basis of the distance between a principal entrance of the structure containing the parking facility and a principal entrance of the nearest building to be served by such facility or facilities.

(c) Where off-site parking is proposed in excess of that otherwise permitted in this section 26-27, no permit shall become effective, and no use dependent upon such parking shall begin or continue, unless and until a variance has been granted under the provisions of article V of this chapter and until a memorandum of lease (or the complete lease agreement) in recordable form duly signed and acknowledged by the owner of the land to be used for parking shall have been furnished to the city, in form and substance approved by the city's legal department.

(d) The memorandum of lease (or complete lease agreement) shall provide that the leased property shall be used solely for parking purposes and shall insure the continued availability of the off-site parking facilities for the use they are intended to serve. In the event of the termination of the lease or if the leased property which is required to meet the minimum parking requirements ceases to be used for such purpose for whatever reason, immediate steps shall be taken by the holder of the certificate of occupancy to obtain substitute approved parking which will comply with the requirements of this chapter. If no such acceptable arrangements are made within 90 days, the director may revoke the certificate of occupancy for that use and that use shall cease immediately. Provided, however, that if a holder of a certificate of occupancy has provided for leased property to be used solely for parking purposes as herein provided, and that leased property becomes unavailable through no fault of the holder of the certificate of occupancy or is rendered unusable through no fault of the holder of the certificate of occupancy, that holder must make substitute approved parking arrangements which comply with the provisions of this chapter within 120 days. If such arrangements are not made within that time frame, the director may revoke the certificate of occupancy for that use and that use shall cease immediately.

(Ord. No. 89-712, § 2, 5-17-89)

#### **Sec. 26-28. Shared parking requirements.**

(a) Notwithstanding any other parking requirements of this chapter, when any parcel of land is proposed to be used for two or more of the distinguishable purposes listed below (i.e. mixed use development), the adjustment of the minimum number of parking spaces required to serve the combination of all occupancies shall be determined in accordance with the following formula:

- (1) Determine the minimum amount of parking required for each occupancy as though it were a separate use;
- (2) Multiply each such amount by the corresponding percentage for each applicable time period showing in the following schedule:

## PARKING CREDIT SCHEDULE

<i>Uses</i>	<i>Nights</i>	<i>Weekdays</i>		<i>Weekends</i>	
	<i>Midnight— 6 a.m.</i>	<i>Day 9 a.m.— 4 p.m.</i>	<i>Eve. 6 p.m.— Midnight</i>	<i>Day 9 a.m.— 4 p.m.</i>	<i>Eve. 6 p.m.— Midnight</i>
Commercial/Retail	5%	50%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Office/Industrial	5%	100%	10%	10%	5%
Restaurant	10%	50%	100%	50%	100%
Entertainment/rec- reation (theatres, bowling alleys)	10%	40%	100%	80%	100%
All others	100%	100%	100%	100%	100%

- (3) Calculate the column total for each time period;
- (4) The column total with the highest value is the parking space requirement.

(b) In determining whether to approve an adjustment for shared parking, the director shall consider all relevant factors, including:

- (1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation.
- (2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers or residents of the uses served.
- (3) Potential improvements in parking facility design, circulation and access afforded by a joint parking facility.
- (4) Whether space will be conveniently usable without causing unreasonable:
  - a. Hazard to pedestrians.
  - b. Hazard to vehicular traffic.
  - c. Traffic congestion.
  - d. Interference with safe and convenient access to other parking areas in the vicinity.
  - e. Detriment to any residential neighborhood.
- (5) The degree of certainty regarding the continued availability of the shared parking facilities for the uses they are intended to serve.
- (6) The report and recommendation of the director and the traffic engineer.

(c) All requirements and conditions herein imposed upon the shared parking facility, including adequate assurance of the continued availability of the shared parking facilities for the uses they are intended to serve, shall be set out in either of the following ways:

- (1) Memorandum of lease covering the shared parking facilities restricting the use of said shared parking area for parking purposes only; or
- (2) A reciprocal easement agreement specifically setting forth the areas which will be used exclusively as parking areas.

Such written agreement shall be in a form and of a substance approved by the city attorney. The

applicable instrument shall be delivered by the applicant, with the appropriate recording fees, to the director for recordation in the real property records of the county in which the property is located. This instrument shall serve as notice to all subsequent purchasers of the existence of a shared parking facility and all requirements associated therewith. If the memorandum of lease or reciprocal easement agreement is removed or superseded in any way by the parties or their successors or assigns, substitute off-street parking must be provided in conformance with the requirements of this chapter. If no alternate parking facilities are provided as required by this chapter within ninety (90) days of notice from the city that substitute parking is required, the city may revoke the certificate of occupancy for the applicable building or buildings for the use then existing.

(d) Public entrances to a mixed use development shall be no more than five hundred (500) feet from the closest entrance to the shared parking facility; provided, however, that parking areas designated for employee parking only may be up to five hundred (500) feet from an employee entrance to the structure.

(e) Parking spaces reserved or to be reserved on a twenty-four-hour basis shall be designated on the applicant's site plan. These spaces shall not be included in the calculation of available spaces to meet the minimum parking space requirements of this chapter for a shared parking facility.

(f) A residential use shall not be eligible for a shared parking adjustment.

(g) If a shared parking facility is approved, the permittee shall provide signage providing information clearly indicating the availability of this facility for patrons of participating uses.

(h) After a shared parking facility has been approved, any subsequent change, addition or deletion in the original occupancies, or any significant change in intensity of use of such occupancies shall require site plan approval. No certificate of occupancy for the changed occupancies shall be issued without site plan approval for the revised shared parking facility.

(Ord. No. 89-712, § 2, 5-17-89)



**Sec. 26-29. Parking management areas.**

(a) The city will permit the creation of parking management districts to accommodate parking needs within certain major activity centers within the city in which there is evidence that parking demand is or can be met on a permanent basis through means other than off-street parking as herein provided. Substituted parking ratios may be approved if the requirements of this section 26-29 are met. Under no circumstances, however, shall substituted parking ratios exceed those ratios set out in section 26-21 hereof.

(b) Areas may be designated as parking management areas upon the written application of the holder(s) of legal interests within the proposed parking management area. That application shall include the following:

- (1) An application fee set by the director to cover administrative expenses of the city related to the creation of a parking management area;
- (2) An application form prescribed by the director including the names and addresses of holder(s) of legal interests in the proposed area;
- (3) A proposed parking management plan which outlines the following within the proposed area:
  - a. Existing land uses and any known proposed uses with the gross floor area or useable floor area and the floor area ratio for each such use;
  - b. Existing and proposed public and private parking facilities;
  - c. Existing and proposed transit facilities or other alternative mode(s) of transportation which will be implemented; the permanency of such transit facilities, or mode(s); the extent of the program and number of vehicles the transit facilities or mode(s) will replace; and other pertinent information or other evidence that current and future parking demand will be met within the boundaries of the proposed area on a permanent basis;

- d. The approximate number of vehicular trips generated by the uses existing within the proposed area and the average vehicle occupancy;
- e. Approximate number of people employed within the area and the peak demand hour for parking;
- f. The approximate number of people who reside within the proposed area;
- g. Assurances to the city that spillover parking in unrelated neighborhoods will not occur and a summary of the measures which will be taken to prevent spillover parking; and,
- h. The proposed substituted parking ratios for the area and the bases for those ratios.

- (4) A survey illustrating the boundaries of the proposed area.

(c) The commission shall hold at least one (1) public hearing upon the designation of the area as a parking management area and on the contents of the applicant's proposed parking management plan. Within forty-five (45) days after the public hearing, the director shall submit his recommendations to the commission regarding the designation of the area and the proposed substituted parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section 26-29.

(d) Within twenty-eight (28) days after the staff report, the commission shall adopt a final report and recommendation to city council regarding the designation of the proposed area, setting out appropriate parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section 26-29. In addition, if the commission recommends that a parking management area should be created within the proposed area, the commission's final report to city council, at a minimum, must find that:

- (1) The area has at least two principal land uses;

- (2) The area has at least three million five hundred thousand (3,500,000) square feet of existing gross floor area and an existing floor area ratio of at least 1.0;
  - (3) The area is a compact, contiguous tract bounded primarily by major thoroughfares or other physical features within which tract all points are no more than one thousand eight hundred (1,800) feet from an existing transit facility (as herein defined) which is adequate to serve all existing and proposed uses which are within one thousand eight hundred (1,800) feet from the transit facility as certified by the metropolitan transit authority;
  - (4) Parking deficiencies will not result from reduced parking standards, incompatible or competing parking uses or inadequate enforcement and regulation to control temporary changes or maintain exclusive use of the spaces for specified commercial development; and
  - (5) If any private sector parking facilities are proposed to be utilized as a basis for substituted parking ratios within a proposed area, the owner or owners of those private sector parking facilities have agreed to the provisions of the city's consent to the creation of the area.
- (e) Upon its receipt of the commission's report, the city council may act to approve or disapprove the creation of the proposed parking management area by motion, resolution or ordinance.
- (f) The city council hereby finds and declares that the South Main/Texas Medical Center as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area comprised of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. Due to the unique nature of this area, city council designates the interim substituted parking ratio for this area in the form of a minimum parking ratio of 1.2 spaces per one thousand (1,000) square feet of GFA. At no time shall the aggregate available parking within this area be less than this ratio. This ratio

shall be applicable to this area for up to three (3) years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b) (3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to the city council that this ratio be revised to reflect the result of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-21. Upon the recommendation of the commission, the city council may act to approve or disapprove the revision of this ratio. If no final plan is submitted as required herein, the interim parking ratio established herein shall continue in effect until such time as the final plan is complete and revised parking ratios are established.

(g) The city council hereby finds that the Uptown/Galleria as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. The city council designates the interim parking ratios for this area as follows:

- (1) Offices—Two and seventy-five hundredths (2.75) spaces for every one thousand (1,000) square feet of usable floor area.
- (2) Shopping centers (all types)—Four (4.0) spaces for every one thousand (1,000) square feet of UFA.
- (3) Hotels—One (1.0) parking spaces for each sleeping room up to two hundred fifty (250) rooms plus five-tenths (0.5) parking spaces for each sleeping room in excess of two hundred fifty (250) rooms.
- (4) Other uses—See ratios in section 26-21 hereof.

The interim parking ratios shall be applicable to this area for a period of up to three (3) years

from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b)(3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to city council that this ratio be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-29(g). Upon the recommendation of the commission, the city council may act to approximate or disapprove the proposed revision of these ratios. If no final plan is submitted as required herein, the interim parking ratios established herein shall continue in effect until such time as the final plan is complete and revised parking ratio are established.

(h) The city council hereby finds and declares that Summit/Greenway Area as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. The ratios applicable to this area shall be those contained in this chapter until such time as the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b)(3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing upon this parking management plan. If the commission finds that this plan indicates that the substitute parking ratios established in this chapter are not appropriate, the commission may recommend that these ratios be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-21. Upon the recommendation of the commission, city council may act to approve or disapprove the proposed revision of these ratios.

(i) Review of parking management area designation:

- (1) The designation of a parking management area created hereunder may be reviewed upon petition of:
  - a. Fifty-one (51) percent of the holders of legal interests within the area; or,
  - b. Fifty-one (51) percent of the owners of taxable real property within the area; or,
  - c. The owners of taxable real property representing more than fifty-one (51) percent of the appraised value within an area; or,
  - d. Upon motion by the city council or the commission.
- (2) Within sixty (60) days of such a petition or motion, the commission shall re-evaluate the area and, if warranted, may recommend that the city council:
  - a. Add or change the parking ratios for the area; or
  - b. Terminate the area designation.
- (3) If the parking ratios are altered or designation of an area is terminated by city council as a result of this re-evaluation, all uses which have been permitted on or before that expiration date shall be permitted to continue to exist except as otherwise provided in this chapter. All uses permitted after that date shall comply with the revised parking ratios or parking requirements of this chapter.

(j) An applicant may request that additional tracts be added to a parking management area at any time by following the requirements prescribed by the commission for the addition of land to an area.

(Ord. No. 89-712, § 2, 5-17-89)

**Sec. 26-30. Reserved.**

### **ARTICLE III. LOADING FACILITIES REQUIREMENT**

**Sec. 26-31. In general.**

No building permit shall be issued for the construction or alteration of a building in the cate-

gories listed in section 26-32 unless the building includes the construction of, or provides for, the following required loading berths for that use as shown in section 26-32.

(Ord. No. 89-712, § 2, 5-17-89)

**Sec. 26-32. Requirements for certain types of occupancies.**

The construction or alteration of all buildings for any of the following types of occupancies shall provide the number of loading berths shown below for that type of occupancy.

<i>Classification</i>	<i>Loading Berth Requirements</i>
Class 1. Office:	
a. Up to 300,000 square feet of GFA	None
b. 300,001 to 750,000 square feet of GFA	1.0
c. 750,001 to 1,500,000 square feet of GFA	2.0
d. Over 1,500,000 square feet of GFA	3.0
Class 2. Residential—Apartment:	
a. Up to 35 dwelling units per acre or less than 3 stories which ever is less represents less dwelling units	None
b. More than 35 but less than 50 dwelling units per acre or 3 or more stories, whichever represents less dwelling units	1.0
c. More than 50 dwelling units per acre or 5 or more stories, whichever represents less dwelling units	2.0
Class 3. Residential—Hotel and Motel:	
a. Up to 100,000 square feet of GFA	None

<i>Classification</i>	<i>Loading Berth Requirements</i>
b. 100,001 square feet to 200,000 square feet of GFA	1.0
c. 200,001 square feet to 300,000 square feet of GFA	2.0
d. Over 300,001 square feet of GFA	3.0
Class 4. Retail Services:	
a. Up to 10,000 square feet of GFA	None
b. 10,000 square feet to 60,000 square feet of GFA	1.0
c. Each additional 60,000 square feet or part thereof of GFA	1.0
Class 5. Industrial, Commercial and Manufacturing:	
a. Up to 50,000 square feet of GFA	None
b. 50,001 to 100,000 square feet of GFA	1.0
c. 100,001 to 400,000 square feet of GFA	2.0
d. Over 400,001 square feet of GFA	3.0
Class 6. Restaurant, Bars and Lounges:	
a. 25,000 square feet to 50,000 square feet of GFA	1.0
b. Each additional 50,000 square feet of GFA	1.0

**Sec. 26-33. Standards for loading berths constructed at grade.**

(a) Each loading berth provided hereunder and constructed at grade must be a minimum of ten feet wide and 55 feet long. Where a loading berth is to be constructed at grade and adjacent to a major thoroughfare or major collector street, the property owner shall provide an additional 40-foot maneuvering length on-site if one loading

berth is required or, if more than one loading berth is required hereunder, one additional 40-foot maneuvering length on-site for each two loading berths.

(b) The director may reduce required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces so that no part of a vehicle using or maneuvering into the loading berth will project into a public right-of-way, access easement or private street.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 98-334, § 2, 4-29-98)

**Secs. 26-34—26-39. Reserved.**

#### ARTICLE IV. BUILDING PERMITS

##### Sec. 26-40. Review of building permit.

(a) The director shall review building permit applications for the construction or alteration of a building to determine if the proposed building or alteration of a building complies with the following:

- (1) The building permit application identifies the proposed structure and its proposed use.
- (2) The plans for the building or alteration provides at least the minimum number of parking and loading facilities required by articles II and III of this chapter.
- (3) When required by this chapter, the applicant has executed the appropriate documents for an off-site parking facility and presented to the director a certified copy of these documents as recorded in the real property records of the county in which the property is located.
- (4) Whenever a building or structure includes a drive-in or drive-through facility, the director has reviewed and approved the configuration of the parking lots and stalls. The traffic engineer shall also re-

view the site plan and make recommendations to the director regarding these facilities.

- (5) The director has approved the site plan where a development plat has been filed with the city or he has approved the building permit application for a site for which a subdivision plat has been filed.

(b) The director shall approve a building permit application which complies with the provisions of this chapter and all other provisions of the ordinances of the City of Houston.

(c) The director shall deny in writing all building permit applications that do not comply with the provisions of this chapter.

(Ord. No. 89-712, § 2, 5-17-89)

##### Sec. 26-41. Appeal of denial of building permits.

Appeals from the denial of a building permit for non-compliance with this chapter shall be reviewed in the same manner as subdivision plat variances are reviewed under section 42-33 of this Code.

(Ord. No. 89-712, § 2, 5-17-89)

**Secs. 26-42—26-49. Reserved.**

#### ARTICLE V. VARIANCES

##### Sec. 26-50. Variance procedure.

(a) An applicant for a building permit may make written application to the director for a variance from the requirements of this chapter. A completed application for a variance shall include:

- (1) Completed application form supplied by the city;
- (2) A non-refundable fee of \$942.00; and
- (3) A complete notice in the form set out in Appendix A to Ordinance No. 89-712 to be mailed to all property owners.

This application package shall be reviewed by the department.